

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,  
RICARDO GONZALES, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL 38 HEALTH AND  
WELFARE FUND, INTERNATIONAL  
UNION OF OPERATING ENGINEERS  
LOCAL 295-295C WELFARE FUND, AND  
STEAMFITTERS FUND LOCAL 439, on  
Behalf of Themselves and All Others Similarly  
Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang  
Magistrate Judge Sheila Finnegan

**JOINT STATUS REPORT**

Pursuant to the Court's March 9, 2023 Order (ECF No. 578), the parties, through their respective counsel, respectfully submit the following Joint Status Report.

**I. The Current Deadlines Imposed by the Court and Whether the Matter Has Been Referred to the Magistrate Judge in Any Fashion**

**A. Deadline for the Close of Fact Discovery**

With certain limited exceptions, and as described below in Section II, fact discovery closed on December 18, 2020, (ECF No. 320), and non-party fact discovery closed on June 1, 2021. (ECF No. 448).

**B. Referral to Magistrate Judge Finnegan**

On November 6, 2018, the Court referred this case to Magistrate Judge Finnegan for

general discovery supervision. (ECF No. 118.)

### **C. Expert Discovery and Class Certification**

By Agreed Order dated October 21, 2022, (ECF No. 545), the following deadlines remain for expert discovery and class certification briefing:

- May 16, 2023                      Deadline for Plaintiffs to depose Walgreens' experts.
- June 20, 2023                      Plaintiffs' reply in support of the motion for class certification and rebuttal expert reports are due.

Plaintiffs have deposed four of the five experts identified by Walgreens. To accommodate scheduling concerns of both counsel and the final witness, the parties have agreed to proceed with the final expert deposition on May 25, 2023. The parties do not seek to adjust any other deadline related to class certification on the basis of the rescheduled deposition.

Any *Daubert* motions brought under Federal Rule of Civil Procedure 702 will be considered by the Court with class briefing. (ECF No. 476.)

## **II. The Progress of Discovery**

The parties are meeting and conferring regarding certain discovery disputes. To the extent the parties are unable to resolve any disputes, motion practice may be required. The parties will promptly bring any issue before the Court if they reach an impasse.

### **A. Supplemental Data Declaration**

The parties are continuing to meet and confer regarding the supplemental declaration they are negotiating regarding the PSC Database and the PSC Enrollment and Renewal Data.

### **B. Documents Responsive to Subpoenas to Walgreens' Experts**

The Remote Deposition Protocol agreed to by the parties requires the production of documents responsive to any subpoena *duces tecum* at least at least seventy-two (72) hours in advance of the deposition. During the deposition of Dr. Hughes, Walgreens produced certain

documents Plaintiffs believe are responsive to Plaintiffs' subpoena to Dr. Hughes. The parties are meeting and conferring regarding Walgreens' production.

**III. Whether the Parties Have Engaged or Are Engaging in Settlement Discussions**

The parties have not engaged in settlement discussions.

**IV. Whether the Parties Believe a Telephonic Hearing or In-Person Hearing Is Necessary Within the Next 60 Days**

The parties respectfully ask the Court to Order that the next Joint Status Report be submitted on or before June 26, 2023.

DATED: May 9, 2023

s/ Michael Scott Leib (with permission)

Michael Scott Leib

Anthony Robert Todd

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically through the Court's Electronic Case Filing System, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

s/ Joseph P. Guglielmo  
Joseph P. Guglielmo